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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/131,941	08/10/1998	HIDEHIRO ISHII	B-3513-61666	8509

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/131,941

Applicant(s)

ISHII ET AL.

Examiner

Aristotelis M Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-15 and 44-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-15 and 44-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/29/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 1/19/05 has been entered.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed in the file.

Specification

The disclosure is objected to because of the following informalities: there is no clear support for the phrase "partial recording information objects". The examiner interprets such as phrase as discussed during the prosecution, vob(s)

Appropriate correction is required.

Information Disclosure Statement

The IDS of 12/29/04 has been received and made of record

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 4-15, 52, 53, 60, 61, 68, 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Heo et al or Mishina either further considered with Moriyama et al (6104684).

The following analysis is made:

Claim 4

Mishina

A reproduction apparatus for reproducing information from an

see title/abstract

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information storage medium, wherein the information storage medium comprises:

a recording information area; and	either video/audio information areas
an aggregate attribute information area,	see discussion with respect to vtsi, vtsi_mat
wherein the recording information area comprises:	starting at col. 17, line 18 to col. 18 line 25

a partial recording information area where one or more	VOB fields, include audio infor - see
partial recording information objects are recorded,	above
each of the partial recording information objects	
including one or more unit audio information objects	
which are logically defined; and	

a control data area where control data including	control data is that data the permits
partial recording information attribute information is recorded,	appropriate attributes of the audio
the control data corresponding to each of the partial recording	information to be appropriately
information objects, the partial recording information attribute	decoded
information indicating attributes of	
the corresponding partial recording information objects,	

and wherein one or more unit audio information attribute information	see secondary reference
pieces are collectively recorded in the aggregate attribute information area,	& rejection below
the one or more unit audio information attribute information pieces	
corresponding to each of the unit audio information objects and	
indicating attributes of the corresponding unit audio information	
objects respectively, and wherein the aggregate attribute information	
area is formed at a position on the information storage medium such	

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that the one or more unit audio information attribute information pieces
can be detected prior to the one or more partial
recording information objects and the control data,

and the reproduction apparatus comprises:

a reading unit , which reads information
from the information storage medium;

reproducing head

a storage unit , which stores the aggregate attribute
information read by the reading unit;

buffer portion of element 54

an input unit, which receives, from a user,
a reproduction instruction designating the unit audio
information objects to be reproduced successively; and

input unit 4

a reproduction unit, which sets the attribute for
the reproduction based on the aggregate attribute
information stored in the storage unit and reproduces
the unit audio information objects designated by the user
in accordance with the attribute set,

see audio decoder 43

wherein said reproduction unit comprises,
an obtaining unit, which obtains the attributes
corresponding to each of the unit audio
information objects designated by the user
from the aggregate attribute information stored

see discussion of element 43

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in the storage unit;

a determining unit, which determines whether
or not the obtained attributes of the unit audio
information objects to be successively
reproduced are identical; and

see discussion of element 43

an attribute change unit, which starts an
attribute setting of the unit
audio information object to be reproduced
next immediately after the reproduction of
the unit audio information object currently reproduced, if
the determining unit determines that the attributes are different.

see discussion of element 43

Mishina discloses a dvd/audio reproducing system wherein a plurality of vob segments are found, and as interpreted by the examiner these correspond to the partial recording information area(s). Furthermore, each vob has an appropriate control data attribute table (vts_v_atr) as well as the associated audio information with its particular attributes.

The system permits appropriate control/decoding of the audio information as designated by the attribute – see the further discussion with respect to the audio decoder element 43.

There is no clear depiction of having one or more of the unit audio information attribute information pieces collectively recorded in the aggregate attribute recording area.

The secondary reference to Moriyama et al teaches in this environment the ability of having an area for finding the attribute information for all of the recorded information pieces.

It would have been obvious to modify the base system of Mishina with the above teaching from Moriyama et al, motivation is to permit a faster response time by having control data centrally located in the record medium.

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Heo et al can also be relied upon in place of Mishina, as it also has all the elements, and it too lacks the above noted placement of 'one or more' unit audio information attribute information pieces as claimed.

With respect to claims 5,7,11, 14 the search unit/ability is inherently provided for in either of the above systems, as are the method limitations thereof.

With respect to claims 6,9, 12 and 15 as far as the examiner can determine/ascertain from the above primary references, the record medium is read, hence a reading unit exists, the information read is stored, hence a storage unit exists, input from a user for reproduction is provided for, hence an input unit exists, because attributes for the audio information is changed/capable of changing between audio modes, not only must there be a reproducing unit, but an obtaining unit, a determining unit, and an attribute changing unit present in either of the primary references.

By necessity, the time limitation as recited must inherently be present, i.e., there must be sufficient time to provide for the system to reflect the change in the attribute information so as to properly reproduce the audio information.

As part of the overall system controller's responsibility, appropriate decoding of the selected audio tracks containing the audio information is present. When the information is changed, the controller inherently instructs the appropriate servo unit to move the reproducing unit to the next audio track/pack/segment/section/location in the sequence of information to be reproduced as instructed by the user through the input. Accordingly, there is a delay capability present in order for the mechanics to catch up with the electronics. The attributes of each audio segment are checked in order for the audio information to be properly decoded, and inherently if such attributes are not the same appropriate modification/changing occurs.

With respect to claim 7, this claim recites all the limitations of claim 4 plus a table producing unit – since the table is so identified in Mishina, no further analysis is made.

With respect to the above claims, Mishina the atr data is so located, and with respect to Heo et al, see the discussion with respect to the audio data attributes & tables thereof starting at col. 14, line 6.

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With respect to method claims 10 – analogous to the operation of apparatus claim 4, and method claim 13, analogous to the operation of apparatus claim 7, these limitations are met when the above combined system operates.

With respect to claim 52, it only calls for a detecting and reproducing unit in addition to the particular medium format as recited in lines 1-20 of claim 4. Such elements are found in either of the primary references. Method claim 60 falls accordingly.

With respect to claim 68, the first, second generating devices are interpreted as the video and audio subunits/sections in either of the primary references. With respect to the recording device, although the primary references are drawn to reproducing units/devices, the ability of having the same components used for recording is considered an obvious capability in view of the Moriyama et al teaching of a record medium a recording and reproducing capability, i.e., since the system in either of the primary references reproduces already recorded data, the ability of using the same components for recording the data is merely an obvious when further considered with Moriyama et al. Such modification is considered obvious because this permits the user to have a writeable system as to merely a reading system.

With respect to dependent claims 53, 61 such is interpreted as present in either of the primary references, i.e., the attribute information is so located.

With respect to claims 54,55, these are inherently present in either of the primary references; see the discussion with respect to the audio decoding capability in either system.

With respect to claims 56-59, since playback time, start address, end addresses are depicted/described as part and parcel of either the video or audio information such are present. With respect to the additional corresponding unit audio information attribute information piece, the examiner interprets that as the audio component.

2. Claims 44-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Mishina or Heo et al further considered with Moriyama et al.

Claims 44-51 are drawn to a product, and as such, the record medium is so produced when the above systems operate to record – i.e., as further taught by Moriyama et al, a record medium, recording

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and reproducing system. The ability of having the one or more unit audio information attribute information pieces is obvious for the reasons stated above in paragraph 2.

With respect to claim 45, the atr information is so located.

With respect to claims 46, 47, the identified attribute information is found in either of the primary references.

With respect to claims 48,49,50 and 51, the # of the audio object, the start and end address of such, the playback time, and the corresponding audio piece are so found.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Either the newly cited JP document #s 6-215482, 7-262691, or 9-093252 could be relied upon in place of the Moriyama et al reference for teaching the ability of having a control signal appropriately located that designates the operation of a plurality of so controlled information components/segments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (571)-272-7594. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571)-272-7589.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
Art Unit 2653



AMP